

REMARKS

Claims 1-14, 16-28, 30-31 and 33-34 are pending. By this Amendment, claim 31 is amended and new claims 33-34 are added.

Support for amended claim 31 can be found in the specification at, for example, paragraph [0034]. Support for new claims 33-34 can be found in the specification at, for example, paragraph [0036]. No new matter is added.

For all of the reasons set forth at the May 4, 2005, personal interview and in the May 12, 2005, Amendment, Applicants submit that the present claims are in condition for allowance. This Amendment is submitted to make an additional amendment that was inadvertently omitted in the May 12 Amendment, and to provide a second set of claims that further distinguish over the cited references.

In particular, claim 31 is amended herein to specify that the coating composition is coated "directly" on said food load, in the same manner that claim 1 was previously amended. Accordingly, for all the reasons previously submitted, claim 31 is allowable over the art of record.

New claims 33-34 are added to provide Applicants with an alternative scope of protection to amended claim 1. In particular, claims 33-34 do not require that the coating composition be coated "directly" on said food load, but instead specify a Markush group from which the food load is selected. In particular, independent claim 33 specifies that the food load is selected from the group consisting of meat products, fruits, dough-based products, baked products, and vegetables selected from the group consisting of yams, corn, tomatoes, onions, peppers, leafy green vegetables, broccoli, cauliflower, and carrots. The cited references do not teach or suggest the limitations of claim 33, for at least the following reasons.

A. §102 - GB 2,228,662 to Schiffmann

Claims 1-14 and 22-28 were rejected under 35 U.S.C. §102(b) over Schiffmann.

Independent claim 33 corresponds to original claim 1, and incorporates the limitations of original claims 15 and 29. Accordingly, the rejection does not apply to new claim 33.

B. §103 - GB 2,228,662 to Schiffmann

Claims 15-21 and 29-31 were rejected under 35 U.S.C. §103(a) over Schiffmann. For the same reasons previously submitted for amended claim 1, new claim 33 and new claim 34 are patentable over Schiffmann.

Schiffmann is cited as teaching or suggesting all of the limitations of the claimed invention. The Office Action argues that the reference discloses microwave cooking processes, where a coating composition is applied to a food load for cooking in a microwave oven. The Office Action admits that Schiffmann does not teach the specific percentage of coating composition and cooking temperature limitations, which have been incorporated into claim 1 herein, but argues that those limitations would have been matters of engineering expediencies and could be easily determined by one of ordinary skill in the art.

Schiffmann would not have rendered obvious the claimed invention.

Independent claim 33 is directed to a microwave dry-fry cooking process, comprising: providing a food product in or on a microwave cooking vessel, wherein said food product comprises a food load and a coating composition coated on said food load, said coating composition comprises at least one microwave-absorbing oil or fat; and exposing said food product in or on said microwave cooking vessel to microwave energy in a microwave oven, wherein said exposing step causes said at least one microwave-absorbing oil or fat to heat to a temperature of from about 175°C to 300°C, and wherein said at least one microwave-absorbing oil or fat is present in an amount of from about 1% to about 20% by weight of the food load. Claim 33 further specifies that the food load is selected from the group consisting

of meat products, fruits, dough-based products, baked products, and vegetables selected from the group consisting of yams, corn, tomatoes, onions, peppers, leafy green vegetables, broccoli, cauliflower, and carrots. Such a microwave dry-fry cooking process is nowhere taught or suggested by Schiffmann.

Although Schiffmann discloses microwave cooking processes and coating compositions for food products, the reference fails to teach or suggest the claimed dry-fry cooking process where the food product is "fried" in a microwave oven by a particularly selected coating composition.

For example, Schiffmann discloses a packaged microwave brown and serve product, where a coating composition is applied to the outside of the food product. The coating composition includes an amino acid source, a reducing sugar, an oil, and an edible surfactant. Abstract; claim 1. According to Schiffmann, the oil can be any of various oils, including corn oil. Claim 12; page 8, first full paragraph. In Schiffmann, the oil and surfactant are present not to cook the product in a dry-fry process, but rather only to "significantly improve[] the degree of coating as well as the uniformity of the browning reaction upon heating in a microwave oven." Page 8, lines 7-12. Clearly, in the process and composition of Schiffmann, cooking of the food product is merely by microwave heating, and the coating composition is present only to provide a browning effect by reaction of the amino acid source and the reducing sugar. The oil present in the coating composition of Schiffmann is thus not present to be heated to a temperature of from about 175°C to 300°C in order to create the dry-fry cooking.

Still further, according to the disclosure of Schiffmann, the oil is present in only a small amount, such as an amount of "from 5 to 20% by weight of the coating composition." Page 8, lines 21-23. The coating composition in turn is present in only a very low amount as compared to the weight of the food product. For example, in Example 1 of Schiffmann, only

4 grams of coating composition is applied to a baked bread loaf of 160 grams. Similar coating and food load weights are described in Examples 2 and 3 of the reference.

In contrast to Schiffmann, claim 33 requires that the at least one microwave-absorbing oil or fat be present in an amount of from about 1% to about 20% by weight of the food load. This loading of the microwave-absorbing oil or fat is required in order to create the dry-fry cooking environment of the claimed invention. Schiffmann does not teach or suggest that the microwave-absorbing oil or fat should be present in such a high amount, to create a dry-fry cooking effect, as claimed.

Accordingly, Schiffmann fails teach or suggest the claimed invention. The reference does not teach or suggest a microwave dry-fry cooking process where at least one microwave-absorbing oil or fat is present in an amount of from about 1% to about 20% by weight of the food load, and is heated by the microwave oven to a temperature of from about 175°C to 300°C to dry-fry the food load, as claimed.

Applicants submit that one of ordinary skill in the art would not have been motivated to modify the coating compositions and/or cooking processes of Schiffmann to provide the claimed dry-fry cooking process. The reference does not teach or suggest that a microwave-absorbing oil or fat should be used specifically for the purpose of cooking a food product in a microwave oven by a dry-fry process, as claimed. The instantly claimed dry-fry cooking process is a novel microwave cooking process that was not envisioned by the prior art. Nor does the reference teach or suggest that the microwave-absorbing oil or fat should be included in such an amount as to make such a dry-fry cooking process possible.

For at least these reasons, the claimed invention would not have been obvious over Schiffmann.

C. §103 - Yuan and Schiffmann

Claims 1-31 were rejected under 35 U.S.C. §103(a) over Yuan in view of Schiffmann.

Claim 33 is patentable over the cited references.

Yuan is cited as teaching or suggesting all of the limitations of the claimed invention. The Office Action argues that the reference discloses microwave cooking processes, where a coating composition is applied to a food load for cooking in a microwave oven. However, the process and materials of Yuan are different from the process and materials of the claimed invention.

In particular, Yuan discloses a process for cooking potato chips in a microwave oven. According to Yuan, the potato chips are cooked by first applying a globular protein on the potato chip, followed by a layer of edible oil, followed by subjecting the raw coated potato chip to microwave cooking. See Yuan at Abstract. Yuan specifically discloses that although the cooking mechanism is not known, the protein coating is "essential to produce a low fat product which is so similar to deep fat fried potato chips." Col. 3, lines 47-54. Yuan exclusively teaches the cooking of potato products, and nowhere teaches or suggest that the cooking process could or should be applied to other food products.

In contrast to the process of Yuan, the claimed invention provides a process comprising providing a food product that comprises a food load and a coating composition coated on the food load, where the coating composition comprises at least one microwave-absorbing oil or fat. According to claim 33, the food load is selected from the group consisting of meat products, fruits, dough-based products, baked products, and vegetables selected from the group consisting of yams, corn, tomatoes, onions, peppers, leafy green vegetables, broccoli, cauliflower, and carrots. The claimed process utilizes this microwave-absorbing oil or fat, as described above, to enable a microwave "frying" process where the

microwave-absorbing oil or fat is heated to fry the food product. Yuan does not teach or suggest such a cooking process, applied to a food load other than potato products.

Furthermore, Yuan in combination with Schiffmann does not teach or suggest the claimed invention. Because the cooking processes of Yuan and Schiffmann are different, one of ordinary skill in the art would have been motivated to select one or the other, but not to combine the processes into a single embodiment. Any modification of Yuan and Schiffmann would destroy their respective inventions, and thus would be improper.

Accordingly, none of the cited references, alone or in combination, teach or suggest the claimed invention. For at least these reasons, the claimed invention of claims 33-34 would not have been obvious over Yuan in view of Schiffmann.

IV. Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the above-identified patent application is in condition for allowance. Favorable consideration and prompt allowance are therefore respectfully requested.

Should the Examiner believe anything further would be necessary in order to place the application in condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,


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